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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA

) Magistrate Docket No. **'07 MD 2817** 11:35

Plaintiff

v.

Juan RAMIREZ
AKA: Richard ANAYA

)
)
)
) COMPLAINT FOR
) VIOLATION OF:
) **TITLE 18 U.S.C. § 1544**
) **Misuse of Passport**
)
)
)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about December 4, 2007, within the Southern District of California, defendant Juan RAMIREZ did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 310770286, issued to Richard ANAYA, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Richard ANAYA, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 5th day of December, 2007.

Richard Barlow UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office.

2. During the performance of my duties, I obtained evidence that Juan RAMIREZ, aka Richard ANAYA used the passport issued for the use of another. This Affidavit is made in support of a complaint against Juan RAMIREZ for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.

3. On 12/04/2007, at approximately 0638 hours, Juan RAMIREZ presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. RAMIREZ identified himself with US Passport number 310770286, bearing the name Richard ANAYA, DPOB 03/30/1974, California, USA, and a photograph that resembled RAMIREZ. The CBP Officer scanned the passport and subsequently identified that there was a US Department of State lookout that listed the passport as lost/stolen. When questioned, RAMIREZ admitted that the passport was not his and that his true name was Juan RAMIREZ OLGUIN and he was referred for secondary inspection.

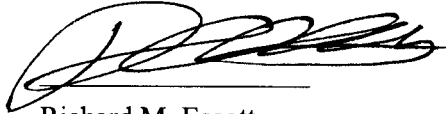
4. On 12/04/2007, a CBP Officer conducted a secondary inspection of RAMIREZ. During the interview RAMIREZ admitted that his true name was Juan RAMIREZ, DOB 08/08/1966. Fingerprint checks revealed that RAMIREZ had a FBI record in NCIC for 3 previous arrests. RAMIREZ was kept in the secondary inspection area.

5. On 12/04/2007, at approximately 1110 hours, the Affiant was notified by the CBP from the San Ysidro POE, of the case.

6. On 12/04/2007, at approximately 1645 hours, RAMIREZ was retrieved from a seating area in the secondary inspection area and was brought to an upstairs interview room. The Affiant, assisted by CBP Officers Gonzalez and Rios who served as translators when necessary, obtained consent from RAMIREZ to have his interview audio and video taped. RAMIREZ was read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Juan RAMIREZ, DPOB, 08/08/1966, Puebla, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. RAMIREZ said that he had previously been living illegally in the United States for the previous 8 years, however he had been removed after pleading guilty to Injury to a Child. RAMIREZ stated that he was sent back to Mexico on 11/30/2007. He stated that he was walking around Tijuana on 12/01/2007, when a man approached him and offered RAMIREZ a passport for sale. RAMIREZ initially declined, explaining that he did not want to be arrested. The smuggler showed RAMIREZ the photo on the passport. RAMIREZ said that the photo looked close enough that he thought that he would try to use it. RAMIREZ paid the smuggler \$500 and the smuggler gave him US Passport number 310770286, bearing the name Richard ANAYA. RAMIREZ stated that he then used the passport, knowing that it was not his, to apply for entry to the United States at the San Ysidro Port of Entry. He also knew it was a violation of US law to apply for entry into the US claiming to be a US citizen if you are not a US citizen. RAMIREZ also admitted knowing that it was illegal for someone who has

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been deported to attempt to reenter the US. He also admitted that he was on probation for the conviction for injury to a child and that committing the above offenses would be a violation of his probation. RAMIREZ made a sworn written statement admitting to the facts of the case. RAMIREZ stated that he never tried to legally enter the US by applying for a visa, or trying to get legal status, while in the US.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

On the basis of the facts presented in this probable cause statement consisting of two pages, I find probable cause to believe that the Defendant named in this probable cause statement committed the offense(s) in violation of Title 18, United States Code, Section(s) _____.

SWORN AND SUBSCRIBED TO before me

This _____ day of _____, 2007.

_____ UNITED STATES MAGISTRATE JUDGE